

APPENDIX H
ENVIRONMENTAL ASSESSMENT CA-060-0010-0005



Santa Rosa and San Jacinto Mountains National Monument
United States Department of the Interior, Bureau of Land Management
United States Department of Agriculture, Forest Service
1201 Bird Center Drive
Palm Springs, CA 92262
Tel (760) 833-7100 Fax (760) 833-7199

July 27, 2010

In Reply refer to:
CACA-42965
2200
(CA-066.62)

Dear Citizen:

Enclosed for your review and comment is Environmental Assessment (EA) No. CA-060-0010-0005, which addresses environmental effects of a proposed land exchange between the Bureau of Land Management (BLM) and Agua Caliente Band of Cahuilla Indians (Tribe). The proposed land exchange would occur within the Santa Rosa and San Jacinto Mountains National Monument (SRSJMNM).

In October 1999, the Tribe and the BLM entered into an agreement to coordinate and cooperate in the management of Federal lands within and outside the external boundaries of the Agua Caliente Indian Reservation (Reservation) within the proposed SRSJMNM. The Tribe and the BLM agreed to meet annually to identify specific resource management, land tenure adjustments, and joint management goals, including implementation of a Memorandum of Understanding (MOU) for acquisition and exchange of lands within the proposed SRSJMNM.

On October 24, 2000, Public Law 106-351 established the Santa Rosa and San Jacinto Mountains National Monument. Section 4(c) of the enabling legislation supports the use of cooperative agreements and shared management arrangements for the purposes of management, interpretation, and research and education regarding the resources of the National Monument. Section 6(e) of the legislation, in supporting the cooperative management agreement between the Tribe and the BLM, allows the Secretary of the Interior, without further authorization by law, to exchange lands which the BLM has acquired using funds provided under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

Public comments regarding the proposed land exchange must be received on or before September 15, 2010. Comments should be sent John R. Kalish, Field Manager, Bureau of Land Management, 1201 Bird Center Drive, Palm Springs, California 92262.

For more information regarding the land exchange between the BLM and the Tribe, please contact Diane Gomez, Realty Specialist, at (760) 833-7152. Your interest in shared stewardship of the public lands and resources is appreciated.

Sincerely,

/s/ Jim Foote

Jim Foote
Monument Manager

Enclosure

**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PALM SPRINGS-SOUTH COAST FIELD OFFICE**

**ENVIRONMENTAL ASSESSMENT
EA Number CA-060-0010-0005**

DATE: July 20, 2010

TITLE / PROJECT TYPE: Land exchange between BLM and Agua Caliente Band of Cahuilla Indians

CASE FILE / PROJECT NO: CACA #42965

BLM OFFICE: Palm Springs-South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262

APPLICANT / PROPONENT: Agua Caliente Band of Cahuilla Indians (“Tribe”)
Bureau of Land Management (“BLM”)

LOCATION OF PROPOSED ACTION:

Palm Springs, Riverside County, California
T5S, R4E, Sections 5, 16, 21, 27, 29, 32, 36
T4S, R4E, Section 16 & portions of 17, 18 & 36
T5S, R5E, Sections 7 & 19, and portion of 20

PROJECT ACREAGE:

BLM	<u>5,799 acres</u>
Other Federal	_____
State	_____
Private	_____
Other (specify)	<u>1,470 (Tribal)</u>

USGS TOPOGRAPHIC MAP: Palm Springs Quad

LAND USE PLAN CONFORMANCE and Other Regulatory Compliance:

In accordance with Title 43 Code of Federal Regulations 1610.5-3, the proposed action and alternatives are in conformance with the following approved land use plan: California Desert Conservation Area (CDCA) Plan (1980), as amended, for lands managed by the Bureau of Land Management (BLM) in the Santa Rosa and San Jacinto Mountains.

Consultation with U.S. Fish and Wildlife Service

The BLM will complete consultation with the U.S. Fish and Wildlife Service (USFWS) pending completion of the public review and comment period.

Cultural Resources Review

Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM is charged with managing public lands in a manner that will “protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values.” Section 106 of the National Historic Preservation Act (NHPA), as implemented at 36 CFR Part 800, requires federal agencies to take into account the effects of their undertakings on historic properties. The Revised State Protocol Agreement (2007) between the California State Director of the BLM and the California and Nevada State Historic Preservation Officers (SHPOs) defines the roles and relationships between the SHPOs’ offices and the BLM under the National Programmatic Agreement. The State protocol is intended to insure that the California BLM operates “efficiently and effectively in accordance with the intent and requirements of the NHPA.” The protocol streamlines the 106 process by not requiring case by case consultation with the SHPO on most individual undertakings.

Minerals

Under the 1872 Mining Law, the public has the statutory right to secure claim to mineral deposits located on public lands, consistent with the Federal Land Policy and Management Act of 1976, applicable federal and State statutes and regulations, and County ordinances. In accordance with the Santa Rosa and San Jacinto Mountains National Monument Act (Public Law 106-351, October 24, 2000), however, the federal lands and interests in land included within the national monument are withdrawn from location, entry, and patent under the public land mining laws, subject to valid existing rights.

NEED FOR THE PROPOSED ACTION

The proposed land exchange implements provisions of the Cooperative Agreement (October 1999) between the Tribe and BLM for coordination and cooperation in the management of federal lands within the proposed national monument; and Memorandum of Understanding (October 1999) between the Tribe and BLM for acquisition and exchange of lands within the proposed national monument. The proposed exchange will facilitate effective and efficient management of the national monument through consolidation of the land base, i.e., reducing the extent of “checkerboard” land ownership.

For the Tribe, the exchange will support the resource preservation goals of the Indian Canyons Master Plan (ICMP, May 2008) and the effective implementation of its Tribal Multiple Species Habitat Conservation Plan, currently in draft form (Draft THCP), by placing the exchange lands under Tribal management.

DESCRIPTION OF THE PROPOSED ACTION and ALTERNATIVES

Background

In October 1999, the Tribe and the BLM entered into a cooperative agreement to coordinate and cooperate in management of Federal lands within and outside the external boundaries of the Agua Caliente Indian Reservation (Reservation) within the proposed Santa Rosa and San Jacinto Mountains National Monument. Within the scope of the cooperative agreement, the Tribe and BLM agreed to meet annually to identify resource management, land tenure adjustment, and joint management goals, including the implementation of a memorandum of understanding (MOU) for acquisition and exchange of lands within the proposed national monument.

In October 1999, concurrent with approval of the cooperative agreement described above, the Tribe and the BLM entered into an MOU specifically addressing the acquisition and exchange of non-trust lands within the proposed national monument. Through the MOU, the two parties agreed to jointly identify opportunities to exchange lands within and outside the Reservation. The proposed action is the culmination of such process.

The Santa Rosa and San Jacinto Mountains National Monument was established by an Act of Congress on October 24, 2000 (Public Law 106-351). In accordance with section 2(b) of the Act, its purpose is to "preserve the nationally significant biological, cultural, recreational, geological, educational, and scientific values found in the Santa Rosa and San Jacinto Mountains and to secure now and for future generations the opportunity to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources in these mountains and to recreate therein."

Section 4(c) of the Act supports the use of cooperative agreements and shared management arrangements, consistent with the management plan and existing authorities, for the purposes of management, interpretation, research and education regarding resources of the national monument. Such agreements and arrangements may include special use permits with any person, including the Agua Caliente Band of Cahuilla Indians.

Section 6(e) of the Act, in supporting the October 1999 cooperative agreement between the Tribe and the BLM, allows the Secretary of the Interior, without further authorization by law, to exchange with the Tribe those lands which the BLM has acquired using funds provided under the Land and Water Conservation Fund Act of 1965. Further, any such land exchange may include the exchange of federally owned property within or outside of the boundaries of the national monument for property owned by the Tribe within or outside of the boundaries of the national monument. The exchanged lands acquired by the Secretary within the boundaries of the national monument shall be managed for the purposes described in Section 2(b).

The California Desert Conservation Area (CDCA) Plan Amendment for the Coachella Valley (2002)¹ established criteria for land exchanges as follows:

- (1) facilitate effective and efficient management of conservation areas;²
- (2) be conducted in coordination with the local jurisdictions;
- (3) would result in a net benefit to the conservation areas or divert intensive uses away from sensitive areas;
- (4) not remove rare species or their habitat, nor remove rare habitat types from conservation management;
- (5) not remove eligible historic properties from conservation management; and
- (6) not divest of public domain lands in a manner which eliminates a significant public benefit. This environmental assessment addresses the manner by which the proposed exchange conforms to these criteria.

¹ The California Desert Conservation Area Plan (1980), as amended, constitutes the underlying resource management plan for BLM-managed public lands within the National Monument. All discretionary actions addressed by the BLM must conform to the plan.

² Conservation areas are public lands with a special designation in order to protect biological resources, such as Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, Wilderness Areas, the Santa Rosa and San Jacinto Mountains National Monument, and conservation areas established through the Coachella Valley Multiple Species Habitat Conservation Plan.

The Santa Rosa and San Jacinto Mountains National Monument’s Proposed Management Plan and Final Environmental Impact Statement (October 2003) specifically identified and proposed lands for transfer between the Tribe and BLM within Township 4 South, Range 4 East; Township 5 South, Range 4 East; and Township 5 South, Range 5 East, San Bernardino and Base Meridian, Riverside County, California. Depending on appraisal values, the management plan allows for additional lands to be identified for transfer to the United States.

In July of 2002, the BLM and the Tribe entered into “Agreement to Initiate Assembled Land Exchange” to allow the transfer of certain properties located within the boundary of the CDCA for properties outside the boundary of the Tribe’s reservation. The agreement sets forth the lands to be exchanged and the responsibility of each party in the exchange process. Since that time, the Tribe has secured the lands for Phase I of the exchange, prepared a Draft Tribal Multiple Species Habitat Conservation Plan and Draft Environmental Impact Statement, which identified and analyzed the proposed exchange lands, and prepared a Historic Properties Management Plan (HPMP).

1. Proposed Action

The exchange of lands between the BLM and the Tribe is anticipated to be a multiple-transaction assembled land exchange, depending on appraised values.

The proposed exchange would result in the transfer of the following lands from the Bureau of Land Management to the Agua Caliente Band of Cahuilla Indians:

San Bernardino and Base Meridian, California

T.4 S., R.4 E., section 16 all,
section 17, W1/2NW1/4NE1/4, W1/2E1/2NW1/4NE1/4,
section 18, W1/2NE1/4, N1/2NE1/4SW1/4, S1/2 of lot 1, N1/2 of lot 2,
section 36, lots 1-4, W1/2NE1/4, W1/2SE1/4, E1/2SW1/4, SE1/4NW1/4,
N1/2SW1/4SW1/4, E1/2NW1/4SW1/4, SW1/4NW1/4SW1/4,
S1/2NW1/4NW1/4SW1/4

T.5 S., R.4 E., section 5, lots 1-4, S1/2NE1/4, S1/2NW1/4, S1/2,
sections 16, 21, 27, & 29, 32, & 36 all

In exchange, the United States would acquire all or portions of the following described land from the Tribe:

San Bernardino and Base Meridian, California

T.5 S., R. 5 E., sections 7 and 19 all,
section 20, W1/2W1/2

Phase I of the exchange will include all lands mentioned above, except for sections 16 and 36 in Township 4 South, Range 4 East, which are identified for Phase II of the exchange process. Tribal lands to be transferred to the BLM as part of Phase II have not been identified.³ This environmental assessment, however, addresses

³ Need for a second phase of the exchange was predicated on a preliminary assessment that the anticipated appraised value of the BLM lands identified for exchange exceeds the anticipated appraised value of the Tribal lands identified for exchange, therefore necessitating the acquisition of additional lands by the Tribe to complete the overall exchange.

potential impacts associated with all lands currently identified for exchange, including both Phase I and II lands.

Should appraised values of all BLM and Tribal lands identified above fall within legal parameters that would allow for the exchange to occur in a single transaction, then a second phase will not occur. A supplement to this environmental assessment will be prepared only if additional Tribal lands not herein described are necessary to conclude the exchange.

Neither the BLM nor the Tribe proposes development or other land disturbing activities on the exchange parcels at this time. Future proposals on lands acquired by the BLM would be reviewed separately in accordance with the National Environmental Policy Act (NEPA), and addressed in accordance with other applicable laws. Lands acquired by the Tribe through the exchange would be designated Tribal Reserve under the recently approved Land Use Code for the Agua Caliente Indian Reservation, and would be subject to the preservation and management controls specified in the code, ICMP, and THCP (upon approval). The ICMP and Draft THCP allow for limited environmentally and culturally compatible development on lands designated Tribal Reserve; however, no development is foreseen at this time. Should development be proposed in the future, it will be subject to Tribal Environmental Policy Act (TEPA) review at the time it is proposed.

2. No Action Alternative

The proposed action would not be undertaken. Existing management and use of BLM-managed public lands would continue subject to applicable statutes, regulations, policies, and land use plans. A finding of unnecessary or undue degradation conditions the no action alternative decision, pursuant to Title 43 Code of Federal Regulations 3809.0-3(b).

Lands under the control of the Tribe would be subject to the Tribe's approved Land Use Code, ICMP, and THCP (upon approval).

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Exhibit 1 Regional Location Map

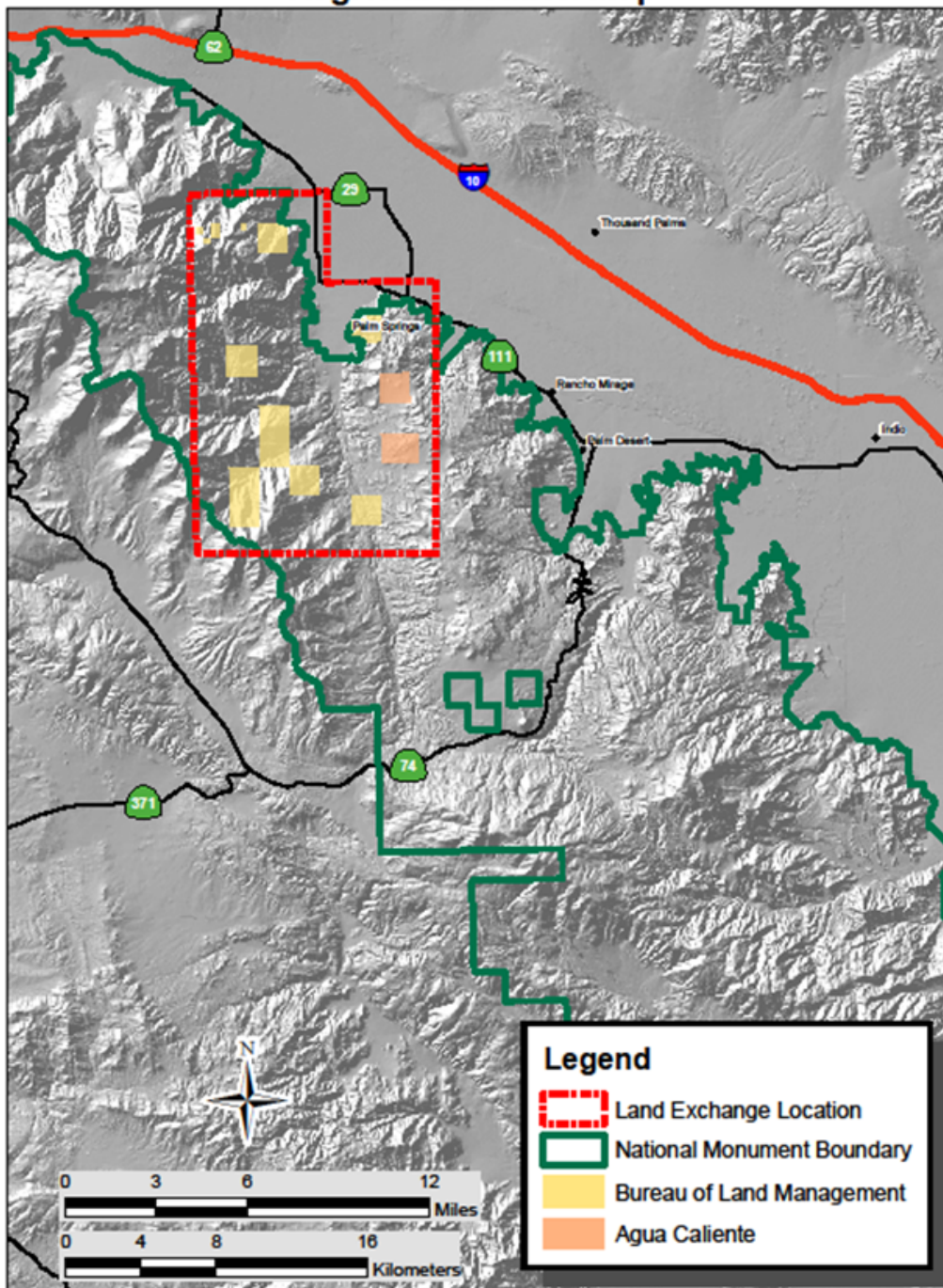
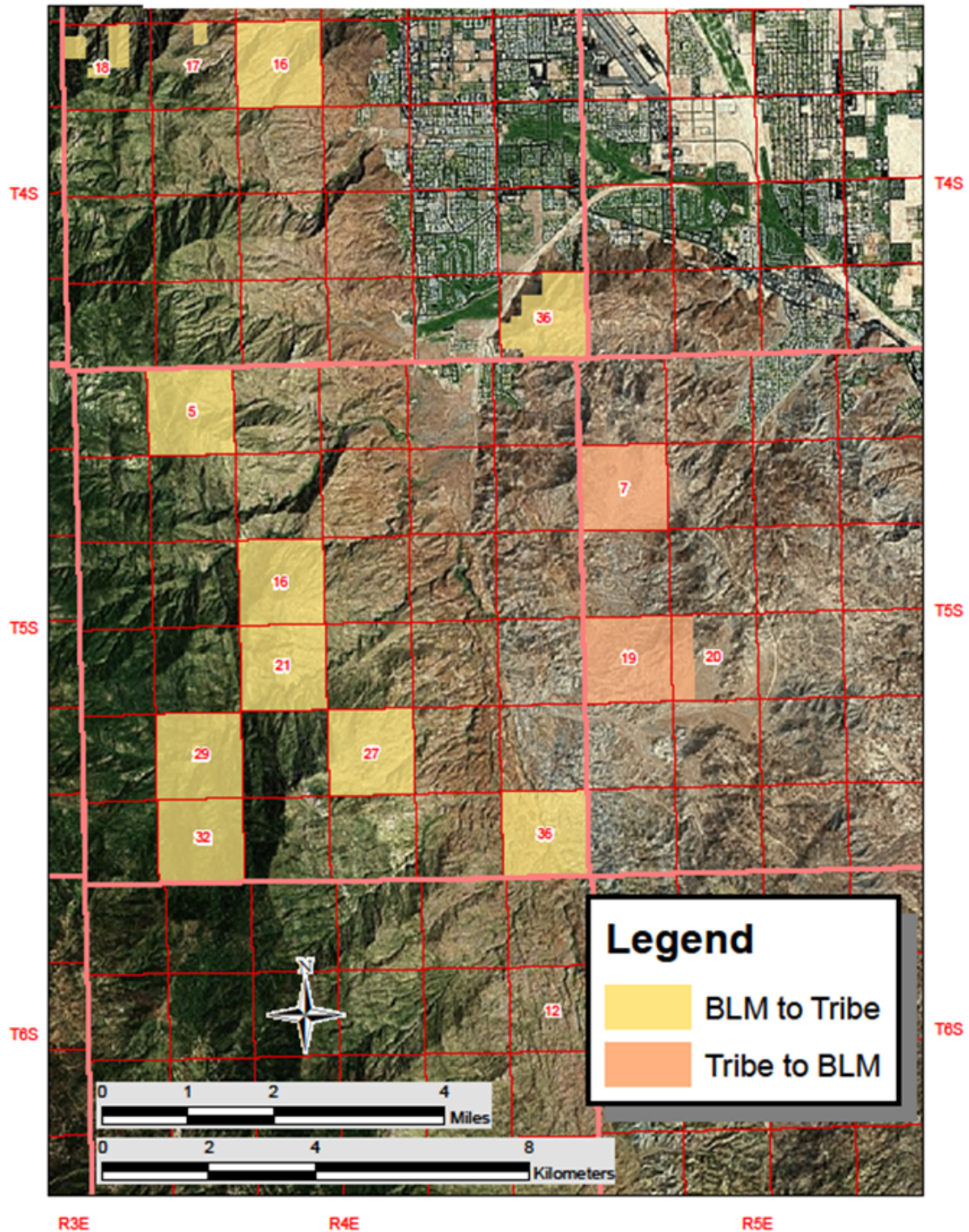


Exhibit 2 BLM and Tribal Lands Proposed for Exchange



AFFECTED ENVIRONMENT

1. Area Description

Air Quality

The Coachella Valley is subject to strong and sustained winds. Annual winter rains cause erosion of the adjacent mountains, and water runoff produces, transports, and sorts substantial deposits of gravel and sand throughout the major drainage areas of the valley. As the desert floor heats up, it creates a thermal low-pressure area, which draws cooler, denser coastal air masses through the narrow San Geronio Pass, generating strong winds that cross the extensive alluvial plains of the valley. These winds pick up and carry fine particulate matter (PM₁₀ and PM_{2.5}) and transport other air pollutants throughout the area. The valley also is susceptible to air inversions, in which a layer of stagnant air is trapped near the ground, where it is further loaded with pollutants. This process, when combined with chemical aerosols and other pollutants emitted by automobiles, furnaces, and other sources, can result in considerable haziness and increased pollutant levels, particularly in the form of ozone.

The project area is subject to air quality standards as defined by the Federal Clean Air Act, 42 U.S.C. 7401 et seq. (1970), the Air Quality Element of the Riverside County and Palm Springs Comprehensive General Plans, the threshold criteria of the Air Quality Handbook, 1993, South Coast Air Quality Management District (SCAQMD) and the 1990 State Implementation Plan for PM₁₀ and PM_{2.5} (fine dust and particulates at 10 and at 2.5 microns or less).

In 1971, the Environmental Protection Agency (EPA) established National Ambient Air Quality Standards (NAAQS). The state of California adopted the California Clean Air Act in 1989, requiring the air quality standards be established at the State level. These standards were developed by the California Air Resources Board (CARB). In general, California standards are more restrictive than their federal equivalents. Regional air quality management districts were also established, including the South Coast Air Quality Management District (SCAQMD). The SCAQMD manages several air basins, including the Salton Sea Air Basin, in which the project area is located. The federal and State standards for criteria pollutants are displayed in Table 1 (below).

Table 1: State and Federal Ambient Air Quality Standards

Pollutant	State Standards Averaging Time	State Standards Concentrations	Federal Standards Averaging Time	Federal Standards Concentrations
Ozone	1 hour	0.09 ppm	1 hour	0.12 ppm
Ozone	8 hour	0.07 ppm	8 hour	0.08 ppm
Carbon Monoxide	1 hour	20.0 ppm	1 hour	35.0 ppm
Carbon Monoxide	8 hour	9.0 ppm	8 hours	9.0 ppm
Nitrogen Dioxide (NO ₂)	1 hour	0.18 ppm	AAM	0.053 ppm
Nitrogen Dioxide (NO ₂)	AAM	0.030 ppm		
Sulfur Dioxide	1 hour	0.25 ppm	AAM	0.03 ppm
Sulfur Dioxide	24 hours	0.04 ppm	24 hours	0.14 ppm
Particulate Matter (PM ₁₀)	24 hours	50 µg/m ³	24 hours	150 µg/m ³
Particulate Matter (PM ₁₀)	AAM	20 µg/m ³	AAM	50 µg/m ³
Particulate Matter (PM _{2.5})	AAM	12 µg/m ³	AAM	15 µg/m ³
Particulate Matter (PM _{2.5})			24 hours	35 µg/m ³

Notes: ppm = parts per million; µg/m³ = micrograms per cubic meter of air;
AAM = Annual Arithmetic Mean.

Source: California Air Resources Board, March 2008

SCAQMD monitors a number of pollutants, including ozone, carbon monoxide, nitrogen oxides, sulfur dioxide and particulate matter, in the project area. The western district areas of Riverside County, in which the project is located, are generally non-attainment areas with regard to ozone, PM₁₀ and PM_{2.5}. The Salton Sea Air Basin is classified as “severe 17” for ozone, and “serious” nonattainment for PM₁₀.

SCAQMD operates air quality monitoring stations throughout its jurisdiction. The project area is located within Source Receptor Area (SRA) 30, which includes monitoring stations in Palm Springs and Indio. The Indio site has been operational since 1985 and the Palm Springs site since 1987.

Table 2 (below) shows the maximum concentration of PM₁₀, and the number of days exceeding state and federal standards in the Coachella Valley from 1990 through 2007. PM₁₀ levels have not exceeded federal standards since 1996, but PM₁₀ levels continue to exceed state standards.

Table 2: Coachella Valley Air Quality Monitoring, Exceedance of PM₁₀ Standards

Monitoring Station	Year	Maximum Concentrations (µg/m ³ /24 hours)	Federal ¹ No. (%) Samples Exceeding 24-hr. Standards	State ² No. (%) Samples Exceeding 24-hr. Standards	AAM ³ Annual Average (µg/m ³)	AGM ⁴ Annual Average (µg/m ³)
Palm Springs	1990	83	0 (0.0%)	9 (15.3%)	34.5	30.5
Palm Springs	1991	197	1 (1.8%)	14 (25.0%)	42.9	36.6
Palm Springs	1992	175	1 (1.7%)	4 (6.7%)	29.6	24.3
Palm Springs	1993	58	0 (0.0%)	1 (1.7%)	27.0	23.6
Palm Springs	1994	97	0 (0.0%)	23 (38.3%)	48.7	45.3
Palm Springs	1995 [^]	199	1 (1.6%)	27 (44.3%)	52.0	47.2
Palm Springs	1996	130	0 (0.0%)	2 (3.3%)	29.3	25.2
Palm Springs	1997 ^{a)}	63	0 (0.0%)	1 (1.8%)	26.4	23.6
Palm Springs	1998	72	0 (0.0%)	3 (5.2%)	26.4	23.8
Palm Springs	1999	104	0 (0.0%)	3 (5.0%)	28.8	26.1
Palm Springs	2000	44	0 (0.0%)	0 (0.0%)	24.4	22.7
Palm Springs	2001*	53	0 (0.0%)	1 (2.0%)	26.7	23.9
Palm Springs	2002*	75	0 (0.0%)	3 (5.1%)	27.1	24.6
Palm Springs	2003	108	0 (0.0%)	4 (6.7%)	27.1	N/A
Palm Springs	2004	79	0 (0.0%)	2 (3.4%)	26.4	N/A
Palm Springs	2005	66	0 (0.0%)	2 (3.4%)	25.9	25.4
Palm Springs	2006	73	0 (0.0%)	2 (3.5%)	24.5	ID
Palm Springs	2007	83	0 (0.0%)	6 (11.0%)	30.5	N/A

¹ = > 0.12 parts per million in 1 hour

² = > 0.09 parts per million in 1 hour

* Less than 12 full months of data; may not be representative.

Source: Annual air quality site monitoring reports, prepared by SCAQMD.

Ozone levels at the Palm Springs monitoring station are illustrated in Table 3 (below). Ozone levels in the Coachella Valley have significantly decreased since 1996.

Table 3: Coachella Valley Air Quality Trends, Exceedance of Ozone Standards

Monitoring Station	Year	Max. Concentration in 1 Hour	Federal¹ No. Days Standard Exceeded	State² No. Days Standard Exceeded
Palm Springs	1990	0.17 ppm	27	73
Palm Springs	1991	0.18 ppm	22	72
Palm Springs	1992	0.15 ppm	21	69
Palm Springs	1993	0.17 ppm	20	79
Palm Springs	1994 ³	0.17 ppm	13	71
Palm Springs	1995 ³	0.16 ppm	12	60
Palm Springs	1996	0.16 ppm	12	60
Palm Springs	1997*	0.16 ppm*	4*	45*
Palm Springs	1998	0.17 ppm	8	40
Palm Springs	1999	0.13 ppm	1	27
Palm Springs	2000	0.12 ppm	0	40
Palm Springs	2001	0.14 ppm	6	53
Palm Springs	2002	0.14 ppm	2	49
Palm Springs	2003	0.14 ppm	4	54
Palm Springs	2004	0.13 ppm	1	36
Palm Springs	2005	0.14 ppm	4	41
Palm Springs	2006	0.13 ppm	2	37
Palm Springs	2007	0.13 ppm	1	29

¹ = > 0.12 parts per million in 1 hour

² = > 0.09 parts per million in 1 hour

* Less than 12 full months of data; may not be representative.

Source: Annual air quality site monitoring reports, prepared by SCAQMD.

The proposed exchange will have no impact on air quality, as no construction will occur as a direct result of the exchange. Should future projects be proposed on lands exchanged to the Tribe or the BLM, these projects will be reviewed individually based on the Tribe's or the BLM's regulations.

Construction potential in the project area is extremely limited due to both CDCA and Tribal land use designations; the environmental and cultural preservation goals set forth in the ICMP; the physical constraints associated with the topography of the parcels; and the conservation values of the lands as defined in both the CDCA Plan and the Draft THCP. Construction activities on land conveyed to the Tribe will also be limited by the THCP upon its approval, which significantly limits development on lands designated as potential habitat for Peninsular bighorn sheep (see "Threatened and Endangered Species," below).

Climate Change and Global Warming

The byproduct from the combustion of fossil fuels can contain a number of air polluting substances. Some air polluting agents are also greenhouse gases (GHG), such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases (hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride), which are released into the atmosphere through natural processes and human activities. These gases are termed "greenhouse gases" because they trap heat and may be responsible for the global average increase in surface temperatures of 1.0-1.7°F that were observed during the 20th century. The quantity of greenhouse gases in the atmosphere has increased drastically over a relatively short period – since the beginning of industrialized societies in the mid-1800's to 2005, the concentration of CO₂ in the atmosphere had increased by 36%, methane by 148%, and nitrous oxide by 18%.

Carbon dioxide is the primary greenhouse gas of concern, due to its projected increased levels, and its correlated temperature increase. Currently, carbon dioxide concentrations in the atmosphere are 382 parts per million (ppm). Comparatively, prior to the Industrial Revolution, CO₂ levels were 278 ppm.

There is general consensus that the levels of emissions need to be reduced to minimize air pollution and limit the amount of carbon dioxide released. Carbon dioxide levels are projected to increase to at least 540 ppm, and as much as 970 ppm, by the year 2100.

California was the first state to establish regulations requiring reductions in the emissions from automobiles and trucks. In 2004, the California Air Resources Board adopted a bill that requires all 2009 and later vehicles to reduce their greenhouse gas emissions by about 30% by the year 2016.⁴ The California Global Warming Solutions Act of 2006 comprehensively limits GHG emissions by establishing an annual reporting program of GHG emissions for significant sources and setting emissions limits to cut the state's GHG emissions to 1990 levels by 2020.

Areas of Critical Environmental Concern (ACECs)

The project area is not located within an ACEC.

Cultural Resources

A Historic Properties Management Plan was prepared for the proposed Exchange.⁵ The affected environment described in that report is summarized below.

The earliest human use of the Southern California region dates from approximately 10,000 to 6,000 BC. From about 6,000 BC to approximately AD 500 is the Archaic period, followed by the Late Prehistoric period, dating from about AD 500 to the early 1700s, or the time of Euro-American contact with Native American groups in this portion of Southern California. The protohistoric period begins at about this time and extends into the late 1700s. The Historic period is characterized by Euro-American/Native American interaction up to the present time. The earliest evidence of occupations in the Coachella Valley consists of temporary camps dating to between 1000 BC and 1 AD in Tahquitz Canyon (Bean et al. 1995).

Most archaeological resources within the project area date to the Late Prehistoric period and include a variety of cultural resources associated with the Lake Cahuilla shoreline, as well as other important cultural resources associated with springs, wells, and major drainages. The Murray, Andreas, and Tahquitz canyons were significant population centers during the Late Prehistoric period, as was the nearby Agua Caliente Hot Springs.

Archaeological investigations in the mountainous region, which includes the project area, have revealed occupations dating back to at least 200 BC. Most sites were small processing sites associated with the grinding of vegetal resources. Larger habitation sites were less common, but displayed a wider range of activities and longer periods of occupation than other Late Prehistoric period sites.

⁴ http://www.ucsusa.org/clean_vehicles/vehicles_health/californias-global-warming-vehicle-law.html

⁵ "Historic Properties Management Plan Regarding the Santa Rosa and San Jacinto Mountains Land Exchange between the Agua Caliente Band of Cahuilla Indians (ACBCI) and the Bureau of Land Management," prepared by Richard Begay, THPO, July 2008.

The Cahuilla inhabited the Santa Rosa and San Jacinto Mountains, the Coachella Valley, and nearby regions during this period. Ecological habitats included the full range of mountains, valleys, passes, foothills, and desert areas. Cahuilla villages were typically situated in canyons or on alluvial fans near water and food resources, and a village's lineage owned the surrounding land.

Throughout the project area are well-developed trails that were used for hunting and travel to other villages. These trails formed the basis of an extended trade network within and between tribal groups, and are often associated with offering places.

Acorns, mesquite and screw beans, piñon nuts, and various cacti formed the basis of the local diet. Important but less frequently utilized plants included seeds, wild fruits and berries, tubers, roots, and greens.

The Cahuilla were severely impacted by disease introduced by the Europeans in the mid-1700s. Following establishment of the San Bernardino *estancia* and the San Gorgonio *rancho* in 1820, European contact and influence increased in this area. The Cahuilla incorporated European agricultural techniques, especially the use of irrigation, with earlier methods they probably learned from Colorado River tribes. They soon built well-designed open-ditch irrigation systems in all of the major canyons in the Palm Springs area.

The first white settler to inhabit the region was Charles Thomas, who arrived in Garner Valley after the discovery of gold in California in the 1860s. He homesteaded the area. Other early ranching families included the Arnaiz, Flores, Omstotts, and Wellmans. The early miners and ranchers living in Garner Valley and the Pinyon Flat area established wagon roads and cattle driveways along trails long used by the Cahuilla and their ancestors. In July of 1932 the Palms to Pines Highway opened, connecting the Coachella Valley to Pinyon Flat and other mountain settlements.

In 1876, the Federal government allotted the Southern Pacific Railway the odd-numbered sections of land on either side of the railroad line extending through the Coachella Valley, thereby establishing the "checkerboard" land ownership pattern that still exists in parts of the national monument. Even-numbered sections were retained in federal ownership and some were incorporated in the lands held in trust as reservation lands for the Cahuilla Indians. The Southern Pacific line from Yuma through the Salton Sink and San Gorgonio Pass was completed in 1877 (summarized from pp 3-29 to 3-30, USDOI, BLM, October 2003).

The Agua Caliente Indian Reservation was established through Executive Order by President Grant in 1876. The Tribe was able to add additional lands to its reservation through subsequent Executive Orders, purchases, and land exchanges.

The Bureau of Land Management has determined that the proposed exchange of parcels between it and the Agua Caliente Band of Cahuilla Indians constitutes an "Undertaking," as defined in 36 CFR 800.16(y). A Historic Properties Management Plan (HPMP) was prepared for the proposed land exchange in April of 2008. The HPMP was circulated for comment to interested parties and agencies, including the SHPO. The HPMP was signed by all parties on July 1, 2008.

The implementation of the Tribe's HPMP will result in a determination of No Adverse Effect for the purposes of the exchange, as the proposed exchange will not result in any disturbance of exchange lands.

The HPMP includes management strategies and requirements which will be implemented for any development within the project area which occurs after the exchange, including surveys and monitoring, if necessary. The HPMP requires that the Tribal Historic Preservation Officer complete the following:

1. Search existing records and conduct site investigation of any action proposed on lands to be transferred to the Tribe;
2. Evaluate the historic significance of any identified resource;
3. Apply the Criteria for Adverse Effects to determine if any identified resource will be significantly impacted by the proposed action, and if found adverse determine what mitigation is required, with avoidance being the preferred alternative.

Native American Concerns

For this land exchange between the Tribe and the BLM, Native American Concerns are addressed through conformance with various statutes, regulations, protocols, and guidelines, including:

1. California Desert Conservation Area (CDCA) Plan (1980), as amended (BLM);
2. Tribal Multiple Species Habitat Conservation Plan (ACBCI, in draft);
3. Historic Properties Management Plan (ACBCI, 2008);
4. Cooperative Agreement between the Tribe and the BLM (1999);
5. Memorandum of Understanding between the Tribe and the BLM (1999);
6. Agreement to Initiate Assembled Land Exchange (2002);
7. Section 106 of the National Historic Preservation Act (NHPA) as implemented at 36 CFR Part 800; and the Revised State Protocol Agreement (2007); and
8. Protocols and guidelines established in the BLM Cultural Resources Program.

Farmlands

There are no farmlands within the project area.

Floodplains

There are no designated floodplains within the project area. Drainages occur throughout the Santa Rosa and San Jacinto Mountains, including drainages through portions of the project area. There is no disturbance of these drainages expected as a direct result of the proposed exchange, insofar as no development is proposed as part of the exchange. Future development by either the BLM or the Tribe, should it propose alteration of designated blue line streams, would be subject to review by the U. S. Army Corps of Engineers, and the completion of a 404 permit should it be required. The BLM and the Tribe consult with the U.S. Army Corps of Engineers prior to authorizing any activities on public lands that may affect waters of the U.S. and related floodplains.

Energy (E.O. 13212)

Executive Order 13212 facilitates the processing of projects which would increase the production and transmission of energy. No energy projects are proposed on the exchange lands, nor are the exchange lands located in an area which would support the production or transmission of energy. The exchange lands are not identified as high wind locations, and BLM national policy prohibits construction of wind energy facilities in national monuments. The rough terrain and inaccessibility of the exchange lands makes them unsuitable for solar energy production. The proposed exchange will therefore have no impact on the production or transmission of energy.

Minerals

A Mineral Report was prepared for the proposed project.⁶ The affected environment described in that report is summarized below.

Exchange lands occurring on the east flank of the San Jacinto Mountains are underlain by metasedimentary bedrock that has been intruded by igneous granitic rocks, which is part of the southern California batholith.

Based on BLM land classifications, the exchange lands have a low potential for the accumulation and occurrence of tungsten resources where tungsten-enriched skarn deposits exist along contacts between marble/limestone and granitic rocks. Limestone deposits observed on two BLM parcels and one Tribal parcel were found to be thin and discontinuous. Small, thin sand and gravel deposits were encountered on one BLM parcel and three Tribal parcels, but deemed too small and discontinuous by the reporting geologist to be mined economically. All exchange lands have a low potential for locatable and saleable minerals and no potential for leaseable minerals.

The BLM parcels consist primarily of granitic rock consisting of quartz diorite, with lesser amounts of gabbro, diorites, metasedimentary schist, quartzite, limestone lenses, foliated schist and alluvial fan boulder deposits.

The Tribe's parcels are similar in geology to those currently owned by the BLM, and consist of foliated schist, quartz diorites, boulder deposits, and a thin limestone lens.

Research conducted by the reporting geologist shows that the mineral resources are likely to be related to tungsten in skarn deposits associated with granitic intrusions into carbonate rock, and hydrothermal vein deposits within shear zone in metamorphic and granitic intrusive rocks. These resources occur in small quantities and are not concentrated, leading the reporting geologist to conclude that they have little importance. There is a moderate potential for limestone deposits on the project area. The geologist found these to be thin and discontinuous, and interbedded with other types of rock which make the deposits unsuitable for commercial or industrial use. These deposits are thought to be too small to be effectively mined.

No active mining claims, mineral leases, or mineral material disposals exist on any of the exchange lands. There are no applications for development pending with the BLM or other state or local agencies. No evidence of prospecting, exploration, or mining activities were observed during field examination in either the BLM or Tribal lands included in the exchange. Evidence of a small, historic tungsten prospect, known as the Maynard Mine, was observed on private land adjacent to a federal parcel designated for exchange. The mine was active during World War II, but there is no record of reportable amounts of tungsten ore being mined. The geology of the exchange lands does not support the accumulation of metallic, non-metallic or industrial mineral, or construction material mineral resources.

No potential exists for accumulation and occurrence leasing or geothermal steam act minerals on the exchange lands. The exchange lands are not valuable, either prospectively or otherwise, for leasing or geothermal steam act minerals.

⁶ "Mineral Report, Mineral Potential, Proposed Land Exchange between the Agua Caliente Band of Cahuilla Indians and the Bureau of Land Management," prepared by Steven Kupferman, December, 2008.

Threatened & Endangered Animal Species

Information about threatened and endangered species was primarily gathered from the Draft THCP EIS.⁷ This analysis includes lands being considered in both Phase I and Phase II of the exchange.⁸ The mapping of these areas in the Draft THCP results in slightly different acreages than those identified in the October 1999 memorandum of understanding, thereby resulting in differing total acreage calculations in the discussion below.

The project area consists primarily of Sonoran mixed woody and succulent scrub and Interior live oak chaparral. A number of vegetation communities occur on the proposed exchange lands, as illustrated in Table 4.

Table 4: Vegetation Communities

Vegetation community types from CDCA Plan Amendment for the Coachella Valley (BLM 2002)	Vegetation communities from THCP	Acres
Desert Scrub Communities	Sonoran creosote bush scrub	164
Desert Scrub Communities	Sonoran mixed woody and succulent scrub	4,308
Chaparral Communities	Interior live oak chaparral	1,715
Chaparral Communities	Red shank chaparral	223
Riparian Communities	Desert fan palm oasis woodland	148
Riparian Communities	Southern sycamore-alder riparian woodland	104
Woodland and Forest Communities	Peninsular juniper woodland and scrub	229
Woodland and Forest Communities	Black oak forest	268
Urban development		37*
	Total	7,196

*Consists primarily of Palm Canyon Wash

The Draft THCP and CDCA Plan rely upon habitat models developed for the CVMSHCP to assess the potential for certain wildlife species to occur in the various habitats. Modeled habitat occurring within the project area includes habitat for the Peninsular bighorn sheep, Least Bell's vireo, southwestern willow flycatcher, and desert tortoise.

Within the federal lands to be transferred from the BLM to the Tribe, federally-listed species include the Peninsular bighorn sheep, Least Bell's vireo, southwestern willow flycatcher, and desert tortoise.

Modeled habitat for the federally-listed endangered Peninsular bighorn sheep (*Ovis canadensis nelsoni*) occurs within the entirety of the lands to be transferred from the Tribe to the BLM.⁹ These areas have not been

⁷ "Agua Caliente Band of Cahuilla Indians Tribal Habitat Conservation Plan Draft Environmental Impact Statement," November, 2007.

⁸ As indicated under the Proposed Action, should appraised values of all BLM and Tribal lands identified above fall within legal parameters that would allow for the exchange to occur in a single transaction, then a second phase will not occur.

⁹ "Agua Caliente Band of Cahuilla Indians Tribal Habitat Conservation Plan Draft Environmental Impact

identified as part of a linkage or movement corridor for Peninsular bighorn sheep, although Township 5 South, Range 5 East, section 7 connects with section 12 to the west, the southern half of which is targeted for 100 percent conservation to facilitate sheep movement. Additionally, no springs or sheep water sources are identified on any of the lands to be transferred from the Tribe to the BLM. Tribal lands were excluded from the most recent bighorn sheep critical habitat designation. No other listed species are anticipated to occur on lands transferred from the Tribe to the BLM.

Modeled habitat for the following listed species occurs within the federal lands to be transferred from the BLM to the Tribe:¹⁰

- Peninsular bighorn sheep - endangered (Township 4 South, Range 4 East, sections 16, 17, 18, and 36; Township 5 South, Range 4 East, sections 5, 16, 21, 27, and 36)
- Least Bell's vireo (*Vireo bellii pusillus*) - endangered (Township 4 South, Range 4 East, section 16; Township 5 South, Range 4 East, sections 5, 16, 21, 29, and 36)
- Southwestern willow flycatcher (*Empidonax traillii extimus*) - endangered (Township 4 South, Range 4 East, section 16; Township 5 South, Range 4 East, sections 5, 16, 21, 29, and 36)
- Desert tortoise (*Gopherus agassizii*) – threatened (Township 4 South, Range 4 East, sections 16, 27, 18, and 36; Township 5 South, Range 4 East, sections 5, 16, 21, 27, and 36)

The BLM exchange lands contain 4,914 acres of modeled Peninsular bighorn sheep habitat, including a portion of the identified use area in Township 4 South, Range 4 East, sections 16 and 17, and Township 5 South, Range 4 East, section 5 (based on tracking data). Of this, 731 acres (in Township 4 South, Range 4 East, sections 16 and 17; and Township 5 South, Range 4 East, section 5) are designated as critical habitat for this population of bighorn sheep. These habitat areas have not been identified as part of a linkage or movement corridor for the Peninsular bighorn sheep. Two springs (Landslide Spring and Agua Fuerte Spring) are identified in Township 5 South, Range 4 East, sections 29 and 32, although there is no documented recent use of this area by bighorn sheep.

Two hundred and fifty-one (251) acres of modeled habitat for the Least Bell's vireo and southwestern willow flycatcher occur within Township 4 South, Range 4 East, section 16; and Township 5 South, Range 4 East, sections 5, 16, 21, 29, and 36 of the BLM exchange lands.¹¹ However, in annual surveys conducted in riparian areas of the Reservation between 2002 and 2005, only two to three pairs of Least Bell's vireo were observed per year. Breeding pairs have been observed at various times in Chino, Palm, Murray, and Andreas Canyons (Township 4 South, Range 4 East section 6; and Township 5 South, Range 4 East, sections 3, 11, 14, and 22) on the Reservation. None of these pairs have been observed within the BLM exchange lands. Southwestern willow flycatcher has been observed in the vicinity of Township 5 South, Range 4 East, sections 10 and 11, but no suitable breeding habitat for the species occurs there.

Two thousand, five hundred and sixty (2,560) acres of desert tortoise habitat have been modeled in Township 4 South, Range 4 East, sections 16, 27, 18, and 36; and Township 5 South, Range 4 East, sections 5, 16, 21, 27, and 36 of the BLM exchange lands.¹² Desert tortoises occur in low densities in the Coachella Valley region,

Statement,” November, 2007.

¹⁰ Ibid.

¹¹ Ibid.

and the lands in this region are outside of critical habitat or recovery units for the species.

Threatened & Endangered Plant Species

There are no threatened or endangered plant species within the exchange lands.

Invasive, Nonnative Species

Invasive species such as tamarisk generally occur in riparian areas and dry washes where surface and/or subsurface water is available, at least on a sporadic basis. The Tribe and the BLM regularly cut and treat tamarisk where infestations occur, though such removals are not permanent and required future action. Hence, while there is a likelihood that invasive nonnative species occur on the exchange lands, regular treatments have reduced their extent.

Wastes (hazardous/solid)

The Tribe has completed environmental site assessments for its lands to be exchanged. Surveys identify no issues of concern, and no potential for hazardous materials on lands currently under Tribal control.

A preliminary assessment of lands managed by the BLM also found no issues of concern as no hazardous materials were located. Prior to completing the exchange, the BLM will complete the required documentation in this regard.

Water Quality (surface and ground)

The proposed exchange will have no impact on surface or ground waters as it will not directly result in development of the exchange lands. Should development be proposed on lands acquired by the BLM through this exchange, the BLM would analyze the effects of the proposal in accordance with NEPA, and require compliance with all applicable laws and regulations, including those addressing the quality of surface and ground waters. Similarly, should development be proposed on lands acquired by the Tribe through this exchange, the Tribe would implement storm water control standards and other measures to ensure the protection of water quality.

Wetlands/Riparian Zones

There are no wetlands within the exchange lands. As shown in Table 4 (above), 252 acres of riparian habitat occur within the exchange lands, all of which would be acquired by the Tribe through the exchange. Under the requirements of the THCP, and applicable to lands acquired by the Tribe through the exchange, existing riparian habitats (especially those occupied by covered species¹³) must be avoided to the maximum extent practicable, with a minimum of 90 percent of this habitat required to be preserved, and any impacts mitigated through creation/restoration at a minimum 1:1 ratio such that no net loss of habitats suitable to support covered species occurs within the THCP area.

¹² Ibid.

¹³ “Covered species” are the various species addressed by the THCP for which protective measures are established.

Conservation of riparian habitat could decrease by up to 22 acres following the exchange based on the THCP's 90% conservation requirement. However, potential impacts to these habitats must be avoided to the maximum extent practicable and mitigated to ensure no net loss of habitat in accordance with the terms of the THCP. Based on these requirements, no impacts to riparian habitats would occur as a result of the exchange.

Wild and Scenic Rivers

The segment of Palm Canyon in section 36 of Township 5 South, Range 4 East, was identified in BLM's CDCA Plan Amendment for the Coachella Valley (2002) as eligible for designation as a Wild and Scenic River. Section 1852 of the Omnibus Public Land Management Act of 2009, in amending Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) by designating the 8.1-mile segment of Palm Canyon Creek on lands managed by the U.S. Forest Service¹⁴ as a wild river, requires the Secretary of Agriculture to enter into a cooperative management agreement with the Tribe to protect and enhance river values. The segment of Palm Canyon on BLM lands (section 36), however, was not addressed by the Act. Should this section be transferred to the Tribe, its management would be addressed in the cooperative management agreement required by the Act.

Noise

The exchange lands are undeveloped parcels with an acoustical environment dominated by natural sounds. Human activity on the exchange lands consists predominantly of non-motorized recreation—hiking, mountain biking (where allowed), and horseback riding—that occurs on existing trails. The existing noise environment is very quiet, and would not be expected to exceed any local, State or federal standard for noise, including those established by the Federal Highway Administration.

Wilderness

The proposed exchange lands do not occur in a designated wilderness area. The exchange will therefore have no impact on designated wilderness areas.

Environmental Justice

The proposed exchange will have no impact on environmental justice. The exchange will not result in any construction or other activity and will not impact low income persons, or have any effect on existing residents in the area.

Health and Safety Risks to Children

The proposed exchange will have no impact on the health and safety of children. As previously stated, the exchange will not result in any construction activity, and will not introduce children to the area.

¹⁴ The Forest Service lands designated as a wild and scenic river are located contiguous to and south of section 36, T. 5 S., R. 4 E. Section 36 is herein identified as an exchange parcel.

Visual Resource Management

The project area occurs in the Santa Rosa and San Jacinto Mountains, a north-south trending range which provides an impressive backdrop for the Coachella Valley and its surroundings. The mountains are the result of complex and active geological forces which have created a low desert surrounded by the ranges, ridges and peaks of the San Jacinto, San Bernardino, Little San Bernardino, and Santa Rosa Mountains. Portions of the mountain ranges are frequently snow-covered during winter months, presenting a startling visual foil to the low desert of the valley. The unique topographical relief of the Coachella Valley provides attractive, highly valued viewsheds.

In accordance with the California Desert Conservation Area Plan Amendment for the Coachella Valley (BLM 2002), the subject public lands are designated as Visual Resource Management Class 2. In Class 2 areas, management activities must remain subordinate to the characteristic landscape. Changes in any of the basic landscape elements—form, line, color, and texture—caused by a management activity should not be evident. Contrasts may be visible, but must not attract attention. The proposed exchange will not result in any change in visual contrasts, and therefore will have no impact on visual resource management.

Recreation Resources

A number of trails utilized by non-motorized recreationists occur on the exchange lands. Table 5 (below) lists all trail segments which will be affected by the exchange, including whether they would be transferred to or from the BLM; their location by section, township, and range; the length of the affected segment; and the total length of the trail or trail segment. No trailheads are located within the exchange lands.

Table 5: Trails on Exchange Lands

Trail name	Location	Trail segment within exchange lands (miles)	Total length of trail (miles)	Exchange from/to
Dunn Road Trail	sec 7, T5S, R5E	0.5	1.1	Tribe to BLM
Wild Horse	sec 7, T5S, R5E	1.1	4.5	Tribe to BLM
East Fork Loop	sec 19, T5S, R5E	0.7	1.8	Tribe to BLM
	TOTAL	2.3		
Skyline	sec 16, T4S, R4E	1.6	7.6	BLM to Tribe
Araby	sec 36 T4S, R4E	0.3	1.3	BLM to Tribe
Berns	sec 36 T4S, R4E	0.9	1.0	BLM to Tribe
Garstin	sec 36 T4S, R4E	1.0	1.5	BLM to Tribe
Henderson	sec 36 T4S, R4E	0.2	1.4	BLM to Tribe
Shannon	sec 36 T4S, R4E	0.7	0.7	BLM to Tribe
Thielman	sec 36 T4S, R4E	0.3	1.3	BLM to Tribe
Wild Horse	sec 36 T4S, R4E	1.0	4.5	BLM to Tribe
Jo Pond	sec 21, T5S, R4E	1.2	7.0	BLM to Tribe
Indian Potrero	sec 36, T5S, R4E	0.9	2.2	BLM to Tribe
Palm Canyon	sec 36, T5S, R4E	1.2	16.0	BLM to Tribe
	TOTAL	9.3		

BLM’s management of lands acquired from the Tribe through the exchange will be subject to existing laws, regulations, policies, and land use plans, including the CDCA Plan, as amended, and the Santa Rosa and San Jacinto Mountains National Monument Management Plan. In accordance with the national monument’s enabling legislation, public lands within the national monument are managed for the protection of resource values, and to ensure opportunities for recreation. The Tribe’s management of lands acquired from the BLM will be subject to the land use requirements and management prescriptions of the Indian Canyons Master Plan and the Land Use Code. Since all lands in the exchange fall under the Mountains and Canyons Overlay, the conservation requirements of that overlay, and the requirements of the Draft THCP (upon approval) will apply.

The CVMSHCP trails plan, which was developed by the Coachella Valley Association of governments in collaboration with the BLM, establishes management parameters for trails within the Santa Rosa and San Jacinto Mountains Conservation Area.¹⁵ These management parameters include prohibition of dogs on most trails, seasonal prohibition on cross-country travel and camping from January 1 to September 30, and prohibition of bicycles on selected trails.

2. Land Status

- 1. Land Use Classification:** The public lands affected in this proposal are designated Multiple Use Class L (“Limited Use”) under the CDCA Plan. Class L protects sensitive, natural, scenic, ecological, and cultural resource values. Public lands designated as Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished.

The Indian Canyons Master Plan and Tribal Land Use Code designate the exchange lands Tribal Reserve, which significantly limits development potential. The Land Use Code also assigns the Mountains and Canyons Overlay to the exchange lands. This overlay restricts development consistent with the preservation goals of the Draft THCP, thereby assuring limited development potential which protects those species identified in the Draft THCP (please also see “Threatened and Endangered Species” discussion below). The lands are currently vacant.

- 2. Valid Existing Rights:** No mining claims, rights-of-way, or other valid existing rights occur on the exchange lands.

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¹⁵ The BLM will render a separate decision for the federal lands portion of the CVMSHCP trails plan, pending receipt of a biological opinion from the U.S. Fish and Wildlife Service.

ENVIRONMENTAL CONSEQUENCES

A. Elements of the Human Environment

The following table summarizes various elements of the human environment subject to requirements specified in statute, regulation, or executive order. Elements for which there are no impacts will not be discussed further in this document.

Table 6: Summary of Environmental Impacts

Environmental Element	Proposed Action	No Action Alternative
Air Quality	No Impacts	No Impacts
ACEC's	N/A	N/A
Cultural Resource	No Impacts	No Impacts
Native American Concerns	No Impacts	No Impacts
Farmlands	N/A	N/A
Floodplains	N/A	N/A
Energy (E.O. 13212)	No Impacts	No Impacts
Minerals	No Impacts	No Impacts
T&E Animal Species	Beneficial Effects	No Impacts
T&E Plant Species	N/A	N/A
Invasive, Nonnative Species	No Impacts	No Impacts
Wastes (hazardous/solid)	No Impacts	No Impacts
Water Quality (surface and ground)	No Impacts	No Impacts
Wetlands/Riparian Zones	No Impacts	No Impacts
Wild and Scenic Rivers	No Impacts	No Impacts
Noise	No Impacts	No Impacts
Wilderness	N/A	N/A
Environmental Justice	No Impacts	No Impacts
Health and Safety Risks to Children	No Impacts	No Impacts
Visual Resource Mgmt.	No Impacts	No Impacts
Recreation Resources	Minor Adverse Effects	No Impacts

B. Discussion of Impacts

1. **Proposed Action:**

Threatened and Endangered Animal Species

The CDCA Plan Amendment for the Coachella Valley commits BLM to conserving at least 99 percent of vegetation community types on the lands it administers in conservation areas. Thus, under existing ownership, potential development/disturbance could occur on a maximum of 58 acres (1 percent) of the 5,799 acres of

BLM lands. The 1,470 acres proposed for exchange from the Tribe to the BLM are designated for 85 percent conservation under the terms of the Tribal HCP, thus allowing potential development on 221 acres (15 percent). Hence, prior to the exchange, conservation is required for a total of 6,990 acres of the exchange lands, and potential development or disturbance could occur on no more than 279 acres of the exchange lands.

As a condition of the exchange, the Tribe would reserve 221 acres of development potential on the 5,799 acres acquired from the BLM (3.8 percent)—221 acres represents 15 percent of the 1,470 acres of Tribal land to be acquired by the BLM. Of the 1,470 acres to be acquired by the BLM from the Tribe, 99 percent would be conserved, allowing for a maximum of 15 acres of disturbance. Thus, the net result of the exchange is that the total development potential would be reduced by 43 acres, from 279 acres before the exchange to 236 acres after the exchange. Conversely, the amount of land conserved would increase by 43 acres from 6,990 to 7,033 acres, as shown in Table 7.¹⁶

Table 7: Summary of Land Exchange Conservation/Development Potential (acres)

Current land ownership	Before <u>exchange</u> Conservation	Before <u>exchange</u> Potential development / disturbance	Before <u>exchange</u> Total	After <u>exchange</u> Conservation	After <u>exchange</u> Potential development / disturbance	After <u>exchange</u> Total
Tribe	1,249	221	1,470	5,578	221	5,799
BLM	5,741	58	5,799	1,455	15	1,470
TOTAL	6,990	279	7,269	7,033	236	7,269

The lands to be acquired by the Tribe in Township 4 South, Range 4 East, sections 16 and 17, as well as the northwestern corner of Township 5 South, Range 4 East, section 5 are considered Peninsular bighorn sheep use areas and are identified in the Draft THCP for 100 percent conservation.

A summary of conservation and potential development/disturbance allowed on lands acquired by the Tribe under the terms of the THCP, and on lands acquired by the BLM in accordance with the CDCA Plan, as amended, are presented in Tables 8 and 9.

¹⁶ The assessment of environmental impacts in this section is predicated upon approval of the Tribal Habitat Conservation Plan, which commits the Tribe to a conservation/development ratio of 85:15, except on the lands to be acquired from the BLM under the exchange. Of the 5,799 acres acquired from the BLM, the Tribe could potentially develop up to 221 acres (3.8 percent).

Currently, requirements of the Coachella Valley Multiple Species Habitat Conservation Plan are applicable to the 1,470 acres to be acquired by the BLM from the Tribe, pending approval of the THCP. In accordance with the CVMSHCP, these 1,470 acres are subject to a conservation/development ratio of 90:10. A summary of land exchange effects in accordance with the 90:10 ratio is contained in Appendix A.

Table 8: Summary of Land Exchange Effects on Critical and Modeled Habitat (acres)
BEFORE EXCHANGE

Species	<u>Conservation</u> Tribe	<u>Conservation</u> BLM	<u>Conservation</u> Total	Potential development / <u>disturbance</u> Tribe	Potential development / <u>disturbance</u> BLM	Potential development / <u>disturbance</u> Total
Peninsular bighorn sheep, critical habitat	0	724	724	0	7	7
Peninsular bighorn sheep, modeled habitat	1,249	4,141	5,390	221	42	263
TOTAL	1,249	4,865	6,114	221	49	270
Least Bells' vireo / southwestern willow flycatcher	0	248	248	0	3	3
Desert tortoise	1,249	2,534	3,783	221	26	247

Peninsular bighorn sheep

Of the total acreage to be acquired by the Tribe from the BLM (5,799 acres), 731 acres are designated critical habitat for Peninsular bighorn sheep—which will remain as designated critical habitat under management of the Tribe—and 4,183 acres are identified as modeled habitat, totaling 4,914 acres. In accordance with the Draft THCP, all Peninsular bighorn sheep critical habitat acquired by the Tribe would be within areas designated for 100 percent conservation. Since no designated critical habitat occurs on lands to be acquired by the BLM from the Tribe, no critical habitat would be conserved or potentially developed by the BLM after the exchange.¹⁷ The exchange, therefore, would result in the avoidance of any potential adverse impacts to 731 acres of designated critical habitat. (See Table 9.)

As a condition of the exchange in accordance with the THCP, the Tribe would limit development potential to 221 acres (3.8 percent) of the 5,799 acres of lands acquired from the BLM, but the location of such potential development is not specified. Therefore, if the 3.8 percent of lands allocated for development potential was to be evenly spread across all lands acquired by the Tribe, except for bighorn sheep critical habitat, it would be anticipated that development potential on the 4,183 acres of modeled bighorn sheep habitat acquired by the Tribe would be 159 acres, thereby committing 4,024 acres to conservation. Given the 99:1 conservation/disturbance ratio that would be applicable to the 1,470 acres acquired by the BLM from the Tribe, all of which is modeled habitat for Peninsular bighorn sheep, 1,455 acres would be conserved while 15 acres would be subject to potential disturbance. (See Table 9.)

Therefore, conservation of designated critical habitat for Peninsular bighorn sheep would be expected to increase 7 acres (from 724 acres managed for conservation by the BLM before the exchange to 731 acres managed for conservation by the Tribe after the exchange), while conservation of modeled habitat would be expected to increase by 89 acres (from a total of 5,390 acres managed for conservation by the Tribe and the BLM before the exchange, to a total of 5,479 acres managed for conservation by both entities after the

¹⁷ Lands acquired by the BLM from the Tribe would not automatically become designated critical habitat. Such designation is the responsibility of the U.S. Fish and Wildlife Service.

exchange). At the same time, the potential for development/disturbance would be expected to be reduced by 89 acres (from a total of 263 acres allocated for potential development by the Tribe and the BLM before the exchange, to a total of 174 acres allocated for potential development by both entities after the exchange).

Least Bell's vireo / southwestern willow flycatcher

Of the total acreage to be acquired by the Tribe from the BLM (5,799 acres), 251 acres are identified as modeled habitat for Least Bell's vireo and southwestern willow flycatcher. As a condition of the exchange in accordance with the THCP, the Tribe would limit development potential to 221 acres (3.8 percent) of the 5,799 acres of lands acquired from the BLM, but the location of such potential development is not specified. Therefore, if the 3.8 percent of lands allocated for development potential was to be evenly spread across all lands acquired by the Tribe, it would be anticipated that development potential on the 251 acres of modeled habitat acquired by the Tribe would be 10 acres, thereby committing 241 acres to conservation for Least Bell's vireo and southwestern willow flycatcher. Since no modeled habitat for these two species occurs on the lands to be acquired by the BLM from the Tribe, overall conservation and potential for development would occur only on Tribal lands after the exchange. (See Table 9.)

Therefore, conservation of modeled habitat for Least Bell's vireo and southwestern willow flycatcher would be expected to be reduced by 7 acres (from 248 acres managed for conservation by the BLM before the exchange to 241 acres managed for conservation by the Tribe after the exchange). Concomitantly, the potential for development/disturbance would be expected to increase by 7 acres (from a total of 3 acres allocated for disturbance by the BLM before the exchange to 10 acres allocated for development by the Tribe after the exchange).

Desert tortoise

Of the total acreage to be acquired by the Tribe from the BLM (5,799 acres), 2,560 acres are modeled habitat for desert tortoise; no critical habitat occurs within the exchange area. As a condition of the exchange in accordance with the THCP, the Tribe would limit development potential to 221 acres (3.8 percent) of the 5,799 acres of lands acquired from the BLM, but the location of such potential development is not specified. Therefore, if the 3.8 percent of lands allocated for development potential was to be evenly spread across all lands acquired by the Tribe, it would be anticipated that development potential on the 2,560 acres of modeled habitat acquired by the Tribe would be 97 acres, thereby committing 2,463 acres to conservation. Given the 99:1 conservation/disturbance ratio that would be applicable to the 1,470 acres acquired by the BLM from the Tribe, all of which is modeled habitat for desert tortoise, 1,455 acres would be conserved while 15 acres would be subject to potential disturbance. (See Table 9.)

Therefore, conservation of modeled habitat for desert tortoise would be expected to increase by 135 acres (from a total of 3,783 acres managed for conservation by the Tribe and the BLM before the exchange, to a total of 3,918 acres managed for conservation by both entities after the exchange). Concomitantly, the potential for development/disturbance would be expected to be reduced by 135 acres (from a total of 247 acres allocated for development by the Tribe and the BLM before the exchange, to a total of 112 acres allocated for development by both entities after the exchange). (See Table 9.)

**Table 9: Summary of Land Exchange Effects on Critical and Modeled Habitat (acres)
AFTER EXCHANGE**

Species	<u>Conservation</u> Tribe	<u>Conservation</u> BLM	<u>Conservation</u> Total	Potential development / <u>disturbance</u> Tribe	Potential development / <u>disturbance</u> BLM	Potential development / <u>disturbance</u> Total
Peninsular bighorn sheep, critical habitat	731	0	731	0	0	0
Peninsular bighorn sheep, modeled habitat	4,024	1,455	5,479	159	15	174
TOTAL	4,755	1,455	6,210	159	15	174
Least Bells' vireo / southwestern willow flycatcher	241	0	241	10	0	10
Desert tortoise	2,463	1,455	3,918	97	15	112

It should be noted, however, that the lands to be exchanged from the BLM to the Tribe exhibit low development potential due to remoteness and steepness. It is unlikely that the full amount of allowable future disturbance would occur. As there is no area that appears to exhibit substantial development potential, it is more likely that any future impacts would occur in small increments spread evenly (3.8 percent) throughout the various wildlife habitats.

As previously indicated, no more than 221 acres of lands acquired by the Tribe from the BLM would be allocated for potential development. No new trails would be authorized under the Tribal HCP. Any development proposed in the future on these lands would be subject to the Conditional Use Permit process described in Section 4.8 of the Draft THCP. This process requires that the proposed development envelope (which includes all proposed structures, access roads or driveways, fuel modification zones, non-native landscaping, necessary maintenance areas, and domestic animal use areas) be sited to avoid impacts to the parcel's most sensitive biological resources and the most sensitive portions of the site to the maximum extent practicable. Priorities are to be placed on avoiding riparian habitats, especially those occupied by covered species; maximizing buffer areas adjacent to conserved habitat and riparian areas; minimizing edge effects; and using sound conservation planning principles. A minimum of 90 percent of existing riparian habitat must be preserved, and any impacts would be mitigated through creation/restoration at a minimum 1:1 ratio such that no net loss of habitats suitable to support covered species occurs. A number of measures would be imposed to minimize the potential for indirect impacts of development on covered species, including a prohibition on the use of plant species that are toxic to Peninsular bighorn sheep, restrictions on lighting, and requirements that fences/walls be erected at the edge of the development area to control human and pet access into natural habitats and exclude Peninsular bighorn sheep from urban areas. These measures would help to ensure that biological impacts from the up to 221 acres of development that could be authorized on the lands to be transferred to the Tribe would be minimized.

Those portions of any development site outside of the approved development envelope would be dedicated to the Habitat Preserve, thus becoming subject to its management requirements. As detailed in Section 4.11 of the Draft THCP, management measures are intended to maintain the exchange lands in a condition similar to or

better than the conditions at the time of land dedication and include, but are not limited to:

1. Control of unauthorized access.
2. Fire management activities.
3. Removal of invasive and toxic species (including removal of at least 80 acres of tamarisk and fountain grass).
4. If Least Bell's vireo are observed on the proposed exchange lands and cowbirds are determined to be occupying the habitat, the Tribe would assess and implement the most appropriate measure(s) for minimizing cowbird impacts on the vireo.
5. Access control measures currently applied by the Tribe in its conservation areas would extend to the exchange areas. These measures include ample signage to help hikers stay on trails, education of the visiting public, and routine patrols/monitoring by Tribal rangers and maintenance crews to discourage off-trail trespassing.
6. Future trail re-routing or temporary closures would be undertaken if research conducted as part of the Coachella Valley Multiple Species Habitat Conservation Program indicates there are negative effects on Peninsular bighorn sheep.

All the Tribal lands to be transferred to the BLM are within Sonoran mixed woody and succulent scrub. Impacts to the remaining vegetation communities could increase slightly over what would be authorized in the absence of the exchange, as shown in Table 10.

Table 10: Conservation of Vegetation Communities Resulting from Exchange (acres)

Vegetation community types from CDCA Plan Amendment for the Coachella Valley (BLM 2002)	Vegetation communities from THCP	Current	Conserved without exchange	Conserved upon exchange
Desert Scrub Communities	Sonoran creosote bush scrub	164	162	156
Desert Scrub Communities	Sonoran mixed woody and succulent scrub	4,308	4,058	4,207
Chaparral Communities	Interior live oak chaparral	1,715	1,698	1,646
Chaparral Communities	Red shank chaparral	223	221	214
Riparian Communities	Desert fan palm oasis woodland	148	147	133
Riparian Communities	Southern sycamore-alder riparian woodland	104	103	94
Woodland and Forest Communities	Peninsular juniper woodland and scrub	229	226	219
Woodland and Forest Communities	Black oak forest	268	265	257
Urban development		37*	37	33
Total		7,196	6,917	6,959

*Land mapped as urban development primarily consists of Palm Canyon Wash.

With the exception of the potential decreases in conservation to desert fan palm oasis woodland and southern sycamore-alder riparian forest upon the exchange—potential decreases of 10% and 9%, respectively—and potential increase of Sonoran mixed woody and succulent scrub (about 4%), such differences are not substantial; such decreases in potential conservation range from 3 to 4 percent.

Although there is a potential for an increase in impacts to most vegetation communities consequent to the land exchange, and to the desert fan palm oasis woodland and southern sycamore-alder riparian forest in particular, any impacts to these habitats on Tribal lands would need to be avoided to the maximum extent practicable and mitigated through creation/restoration at a minimum 1:1 ratio to ensure no net loss of habitat in accordance with the terms of the Draft THCP. These requirements, combined with other applicable permitting requirements and engineering/financial constraints, make it unlikely that the land exchange would result in any increased impact to riparian vegetation communities.

Recreation Resources

Lands managed by the BLM after the exchange would be subject to existing laws, regulations, policies, and land use plans, including the CDCA Plan, as amended, and the Santa Rosa and San Jacinto Mountains National Monument Management Plan. The direction provided by these statutes, regulations, policies, and plans promote the management of the exchange lands for conservation and recreation. Lands managed by the Tribe after the exchange would be subject to the land use requirements and management prescriptions of the Indian Canyons Master Plan and the Land Use Code. Since all lands in the exchange fall under the Mountains and Canyons Overlay, the conservation requirements of that overlay and the requirements of the Draft THCP (upon approval) would apply.

Various organizations have expressed concern that the public benefit could be jeopardized upon exchange of sections 16 and 36, Township 4 South, Range 4 East, and that proper mitigation measures should be applied to protect public access to trails, or exclusion or substitution of these parcels occur within the context of this exchange.

Upon approval of the land exchange, trail segments located in sections 16 and 36, now managed by the BLM, would be managed by the Tribe. Currently, permits are not required for use of the trails within Section 36, but a permit will be required for access to the Skyline Trail in Section 16 upon BLM's issuance of a decision for the federal land portion of the multi-jurisdictional trails plan addressed in the CVMSHCP. The proposed land exchange has the potential to impact access to these trails, and the creation of new trails. Each of these potential effects is discussed separately below.

Existing trails within the project area that are currently managed by the BLM would be transferred to Tribal ownership. The Draft THCP includes a Trail Management Plan which addresses the maintenance and construction of trails. The Draft THCP also allows trails within conservation areas, based on the same criteria and standards required for other uses. The Indian Canyons Master Plan, which includes lands currently used for trails, supports various types of low impact recreation activities, including hiking and horseback riding. As part of the exchange, the BLM and Tribe have approved a management agreement addressing sections 16 and 36, Township 4 South, Range 4 East, upon which public trail access has been identified as an issue (Appendix B). The management agreement stipulates that such exchange lands shall remain accessible and subject to the

reasonable use and enjoyment by the general public, and the Tribe may adopt rules and regulations for the use and enjoyment of the exchange lands that conform to and are consistent with the policies and guidelines set forth in the Indian Canyons Master Plan and the THCP, and with similar measures now in effect regarding existing Tribal Reserves. The management agreement also requires that the Tribe maintain existing facilities, including trails, through the life of the management agreement. This includes all trail segments shown in Table 5 (see “Affected Environment”), which will be transferred from the BLM to the Tribe. The long-term maintenance of these facilities will assure that these facilities will not be impacted by the proposed exchange.

The construction of new trails upon lands conveyed to the Tribe is addressed in the Draft THCP’s Trail Management Plan, and the Draft THCP itself. The management agreement described above stipulates that the Tribe may undertake new development, construction, or improvements to enhance public recreational facilities on the exchange lands, subject to conditions of the Indian Canyons Master Plan and the Draft THCP, and review under the Tribal Environmental Policy Act. Under the Draft THCP, trail construction is subject to the same restrictions and review as other uses in areas with limited development potential, and will require a conditional use permit. Such review will assure that the management programs and protection standards imposed in the Draft THCP are applied to the construction of new trails.

Under the CVMSHCP trails plan, which sets management parameters for the BLM on trails within the Santa Rosa and San Jacinto Mountains Conservation Area, trails are required to operate within specific restrictions, including the prohibition of dogs on most trails, seasonal prohibition on cross-country travel and camping from January 1 to September 30, and prohibition of bicycles on selected trails. Under the requirements of the THCP, the provisions are equivalent or more stringent: dogs and bicycles are prohibited altogether, and cross-country travel and camping are prohibited year-round.

Whereas access for hiking and horseback riding would not be affected by the exchange, opportunities for mountain biking would be reduced. Given the general prohibition of bicycles on lands managed by the Tribe and an assumption that bicycles are allowed on lands managed by the BLM, Tables 5 and 11 suggest that 2.3 miles of trails would become additionally available to bicycles upon acquisition of Tribal lands by the BLM, and 9.3 miles of trails would be closed to bicycles upon transfer of BLM lands to the Tribe, thereby resulting in a net loss of bicycling opportunities on 7.0 miles of trails. However, such analysis fails to account for the prohibition of bicycles on certain trails identified in Tables 5 and 11 under the CVMSHCP trails plan (which include the Araby, Berns, Garstin, Henderson, and Shannon Trails), the allowance for bicycles on Tribal lands in Palm Canyon south of Dry Wash, and the allowance for bicycles on Tribal lands outside the Reservation to provide for connectivity with other trails and trail segments (which include the Dunn Road Trail, Wild Horse Trail, and East Fork Loop Trail).

Table 11: Current and Future Access for Bicycles on Exchange Lands

Trail name	Location	Trail segment within exchange lands (miles)	Current bicycle access	Exchange from/to	Future bicycle access
Dunn Road Trail	sec 7, T5S, R5E	0.5	open	Tribe to BLM	open
Wild Horse	sec 7, T5S, R5E	1.1	open	Tribe to BLM	open
East Fork Loop	sec 19, T5S, R5E	0.7	open	Tribe to BLM	open
	TOTAL	2.3			
Skyline	sec 16, T4S, R4E	1.6	open	BLM to Tribe	closed
Araby	sec 36 T4S, R4E	0.3	closed	BLM to Tribe	closed
Berns	sec 36 T4S, R4E	0.9	closed	BLM to Tribe	closed
Garstin	sec 36 T4S, R4E	1.0	closed	BLM to Tribe	closed
Henderson	sec 36 T4S, R4E	0.2	closed	BLM to Tribe	closed
Shannon	sec 36 T4S, R4E	0.7	closed	BLM to Tribe	closed
Thielman	sec 36 T4S, R4E	0.3	open	BLM to Tribe	closed
Wild Horse	sec 36 T4S, R4E	1.0	open	BLM to Tribe	open
Jo Pond	sec 21, T5S, R4E	1.2	open	BLM to Tribe	closed
Indian Potrero	sec 36, T5S, R4E	0.9	open	BLM to Tribe	open
Palm Canyon	sec 36, T5S, R4E	1.2	open	BLM to Tribe	open
	TOTAL	9.3			

Therefore, opportunities for mountain biking would be reduced by a total of 3.1 miles on the Skyline Trail (1.6 miles), Thielman Trail (0.3 mile), and Jo Pond Trail (1.2 miles) only. Closures on these trails upon conclusion of the land exchange would protect habitat consistent with the THCP.

Provisions of the management agreement assure that existing trails within the exchange lands, and potential new trails which may be constructed in the future, would remain open for public use, except as noted above with respect to bicycles. The management agreement requires that the Tribe maintain existing facilities, including trails, through the life of the management agreement, which ensures that these facilities will not be impacted by the proposed exchange, and that the network of trails in and around the proposed exchange lands will remain intact.

C. Mitigation Measures

None.

D. Residual Impacts

Residual impacts are those that remain after the application of mitigation measures to the proposed action. As no mitigation measures are required, no residual impacts would remain. Impacts resulting from implementation of the proposed action are fully described above.

E. Cumulative Impacts

The land exchange results in a change of title only to the subject lands. No specific projects are herein proposed that would directly result in changes to the existing landscape.

However, the potential for enhanced conservation of Peninsular bighorn sheep habitat is increased under the proposed action, with an increase of 7 acres to be conserved as critical habitat and 89 acres to be conserved as modeled habitat. Likewise, the potential for enhanced conservation of desert tortoise habitat is increased under the proposed action, with an increase of 135 acres to be conserved as modeled habitat. In light of historic losses of such wildlife habitats resulting from urbanization of the Coachella Valley and other causes, the potential for enhanced conservation constitutes a beneficial cumulative effect.

Conversely, the potential for development or disturbance of Least Bell's vireo and southwestern willow flycatcher habitat contributes to historic losses of such wildlife habitats. Therefore, the potential for loss constitutes an adverse cumulative effect. However, as indicated above, no specific projects are herein proposed that would alter the existing landscape. An analysis of cumulative impacts would occur when such projects are proposed.

The reduction of mountain biking opportunities by 3.1 miles is an adverse cumulative impact when considered in light of previous reductions of such opportunities. By resolution of the City of Palm Springs Parks and Recreation Commission, certain trails within and outside the exchange area were closed to bicycles to increase safety for equestrians. The Tribe has also closed trails in the Indian Canyons to bicycles. Hence, additional prohibitions of bicycles on trails upon implementation of the proposed action increase adverse cumulative impacts for this type of recreation.

FREEDOM OF INFORMATION ACT CONSIDERATIONS:

Public comments submitted for this environmental assessment, including names and street addresses of respondents, will be available for public review at the Palm Springs-South Coast Field Office during regular business hours (8:00 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

PERSONS / AGENCIES CONSULTED:

U.S. Fish and Wildlife Service, in progress
Tribal Historic Preservation Officer, Agua Caliente Band of Cahuilla Indians

PREPARED BY:

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REVIEWED BY:

/s/ Greg Hill
Environmental Coordinator

July 21, 2010
Date

Supporting Documents:

- Appendix A: Summary of Potential Land Exchange Effects on Threatened and Endangered Species under CVMSCHP and prior to approval of THCP
- Appendix B: Management Agreement between the Agua Caliente Band of Cahuilla Indians and U.S. Department of the Interior – Bureau of Land Management for management of Exchange Lands

APPENDIX A

POTENTIAL LAND EXCHANGE EFFECTS ON THREATENED AND ENDANGERED SPECIES UNDER THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND PRIOR TO APPROVAL OF THE TRIBAL HABITAT CONSERVATION PLAN

Tables 8 and 9 in this environmental assessment reflect the pre-exchange and post-exchange scenarios for conservation and potential development/disturbance of critical and modeled habitat for Peninsular bighorn sheep, and modeled habitat for Least Bell's vireo, southwestern willow flycatcher, and desert tortoise. The analyses contained in Tables 8 and 9 are predicated on management prescriptions described in the Draft THCP, including the reservation of no more than 221 acres of development potential on the 5,799 acres acquired from the BLM (3.8 percent), and 100 percent conservation of all Peninsular bighorn sheep critical habitat acquired from the BLM.

However, requirements of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) are currently applicable to the 1,470 acres to be acquired by the BLM from the Tribe. Also, the Draft THCP has yet to be approved. In accordance with the CVMSHCP, these 1,470 acres are subject to a conservation/development ratio of 90:10. Tables A-1 through A-4 (below) compare (1) potential land exchange effects before the land exchange under the 90:10 conservation/development ratio as applicable to the 1,470 acres to be transferred to the BLM, and (2) potential land exchange effects after the exchange, but under an assumption that the 5,799 acres to be acquired by the Tribe would be conserved at an 85:15 conservation/development ratio without a development limit of 221 acres (as would be required under the THCP) and without 100 percent conservation of all Peninsular bighorn sheep critical habitat (as would also be required under the THCP).

[Note: For the purposes of this analysis, it is reasonable to assume an 85:15 conservation / development ratio for lands acquired by the Tribe in the absence of the THCP, as conversely it would be unreasonable to assume that absent the THCP, the Tribe would exceed the 15 percent development allowance, particularly since the lands to be transferred from the BLM to the Tribe exhibit low development potential due to remoteness and steepness, thereby making it unlikely that the full amount of allowable future disturbance would occur.]

Lands managed by the BLM, whether before or after the exchange, would be subject to the 99:1 conservation/disturbance ratio in accordance with the CDCA Plan Amendment for the Coachella Valley (2002).

**Table A-1: Summary of Land Exchange Effects on Critical and Modeled Habitat (acres)
BEFORE EXCHANGE (85:15 ratio, no THCP conservation assumptions)**

Species	<u>Conservation</u> Tribe	<u>Conservation</u> BLM	<u>Conservation</u> Total	Potential development / disturbance Tribe	Potential development / disturbance BLM	Potential development / disturbance Total
Peninsular bighorn sheep, critical habitat	0	724	724	0	7	7
Peninsular bighorn sheep, modeled habitat	1,323	4,141	5,464	147	42	189
TOTAL	1,323	4,865	6,188	147	49	196
Least Bells' vireo / southwestern willow flycatcher	0	248	248	0	3	3
Desert tortoise	1,249	2,534	3,783	221	26	247

**Table A-2: Summary of Land Exchange Effects on Critical and Modeled Habitat (acres)
AFTER EXCHANGE (85:15 ratio, no THCP conservation assumptions)**

Species	<u>Conservation</u> Tribe	<u>Conservation</u> BLM	<u>Conservation</u> Total	Potential development / disturbance Tribe	Potential development / disturbance BLM	Potential development / disturbance Total
Peninsular bighorn sheep, critical habitat	621	0	621	110	0	110
Peninsular bighorn sheep, modeled habitat	3,556	1,455	5,011	627	15	642
TOTAL	4,177	1,455	5,632	737	15	752
Least Bells' vireo / southwestern willow flycatcher	213	0	213	38	0	38
Desert tortoise	2,176	1,455	3,631	384	15	399

Tables A-3 and A-4 (below) summarize the differences between the pre-exchange and post-exchange analyses of the Proposed Action as described in Tables 8 and 9, and the pre-exchange and post-exchange analyses provided in this appendix.

**Table A-3: Summary of Differences between Proposed Action per Table 8 and Table A-1
BEFORE EXCHANGE**

Species	<u>Conservation</u> Tribe	<u>Conservation</u> BLM	<u>Conservation</u> Total	Potential development / disturbance Tribe	Potential development / disturbance BLM	Potential development / disturbance Total
Peninsular bighorn sheep, critical habitat						
Peninsular bighorn sheep, modeled habitat	74		74	(74)		(74)
TOTAL	74		74	(74)		(74)
Least Bells' vireo / southwestern willow flycatcher						
Desert tortoise						

**Table A-4: Summary of Differences between Proposed Action per Table 9 and Table A-2
AFTER EXCHANGE**

Species	<u>Conservation</u> Tribe	<u>Conservation</u> BLM	<u>Conservation</u> Total	Potential development / disturbance Tribe	Potential development / disturbance BLM	Potential development / disturbance Total
Peninsular bighorn sheep, critical habitat	110		110	(110)		(110)
Peninsular bighorn sheep, modeled habitat	468		468	(468)		(468)
TOTAL	578		578	(578)		(578)
Least Bells' vireo / southwestern willow flycatcher	28		28	(28)		(28)
Desert tortoise	287		287	(287)		(287)

In summary, the land exchange between the BLM and the Tribe in accordance with management prescriptions contained in the Draft THCP, when compared with an absence of the THCP as described above, would result in the following: (1) conservation of 110 more acres of Peninsular bighorn sheep critical habitat; (2) conservation of 394 more acres of Peninsular bighorn sheep modeled habitat (488 acres post-exchange minus 74 acres pre-exchange); (3) conservation of 28 more acres of Least Bell's vireo and southwestern willow flycatcher modeled habitat; (4) conservation of 287 more acres of desert tortoise modeled habitat; and (5) a total of 819 fewer acres of wildlife habitat potentially available for development/disturbance.

APPENDIX B

**MANAGEMENT AGREEMENT
between the
AGUA CALIENTE BAND OF CAHUILLA INDIANS
and
U.S. DEPARTMENT OF THE INTERIOR – BUREAU OF LAND MANAGEMENT
for management of
EXCHANGE LANDS**

This Management Agreement ("Agreement") is made and entered into this 11th day of November 2009, by and between the Agua Caliente Band of Cahuilla Indians (Tribe) and the U.S. Department of the Interior, Bureau of Land Management (BLM).

WHEREAS, the Tribe and the BLM entered into a Cooperative Agreement on October 13, 1999, to coordinate land use planning, budget priorities, cooperative allocation of resources and development of long-term resource and programmatic goals;

WHEREAS, upon execution of the Cooperative Agreement the BLM and the Tribe agree to “[p]rovide for review of projects, proposals, and management actions that may affect the other party’s interests or management,” and implement a “Memorandum of Understanding for acquisition and exchange of lands within the proposed Santa Rosa and San Jacinto Mountains National Monument”;

WHEREAS, the Tribe and the BLM entered into Memorandum of Understanding (MOU) on October 13, 1999, to establish a framework for cooperation concerning acquisition and exchange of non-trust lands within the exterior boundaries of the Agua Caliente Indian Reservation (Reservation);

WHEREAS, upon execution of the MOU the BLM shall “[j]ointly identify opportunities with the Agua Caliente Band of Cahuilla Indians to Exchange BLM administered public lands within the [R]eservation,” the Tribe shall “[j]ointly identify opportunities with the Bureau of Land Management to exchange BLM public land parcels within and outside the [R]eservation,” and the BLM and the Tribe shall “[m]anage all lands received in exchange to preserve the nationally significant biological, cultural, recreational, geological, educational, and scientific values found in the Santa Rosa and San Jacinto Mountains as an enduring legacy of our heritage, and to secure for future generations the opportunity to experience the magnificent vistas, wildlife, landforms, and natural and cultural resources in these mountains”;

WHEREAS, the Santa Rosa and San Jacinto Mountains National Monument (SRSJMNM) Act of 2000 (16 USC 431 note), “[i]n order to support the cooperative management agreement in effect with the Agua Caliente Band of Cahuilla Indians,” authorized the Secretary of the Interior “without further authorization by law” to “exchange lands which the Bureau of Land Management has acquired using amounts provided under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.), with the Agua Caliente Band of Cahuilla Indians”;

WHEREAS, the SRSJNMN Act further stipulates that “[a]ny such land exchange may include the exchange of federally owned property within or outside of the boundaries of the National Monument for property owned by the Agua Caliente Band of Cahuilla Indians within or outside of the boundaries of the National Monument”;

WHEREAS, per the MOU and as authorized by the SRSJNMN Act, the Tribe and the BLM have identified certain lands to be exchanged;

WHEREAS, the California Desert Conservation Area (CDCA) Plan Amendment for the Coachella Valley (2002) established criteria to be applied in evaluating the suitability of land exchanges, and that exchanges may be considered if they, in part, “[f]acilitate effective and efficient management of conservation areas,” and “[n]ot divest of public domain lands in a manner which eliminates a significant public benefit”;

WHEREAS, lands managed by the BLM and proposed for transfer to the Tribe are identified in the SRSJNMN Management Plan of 2004;

WHEREAS, this Agreement is made for the purpose and objective of establishing and clarifying the roles and responsibilities of the Tribe and the BLM in the management and operation of the lands to be exchanged;

WHEREAS, for lands to be acquired by the BLM, the proposed exchange will implement the provisions of the CDCA Plan of 1980, as amended, and the SRSJNMN Management Plan (2004), and enhance public land resources for economic, educational, scientific and recreational uses; and

WHEREAS, for lands to be acquired by the Tribe, the proposed exchange will support the resource preservation goals of the Indian Canyons Master Plan and the effective implementation of its Tribal Multiple Species Habitat Conservation Plan, by placing the exchange lands under their control for preservation and management.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto do hereby covenant and agree as follows:

1. EXCHANGE LANDS: The land subject to the provisions of this Agreement is limited to all real property contained within Sections 16 and 36, Township 4 South, Range 4 East, San Bernardino Base Meridian, proposed for transfer to the Tribe by the BLM. Said lands are to be managed as an integral part of the existing Tribal Reserves established pursuant to Section 3(c) of the Act of September 3, 1959 (73 Stat 603), and as a unified ecological entity in the same manner as the Tribe already manages the existing Tribal Reserves, subject to the provisions of this Agreement.
2. MANAGEMENT: Upon the execution of this Agreement, the Tribe agrees to manage the Exchange Lands in accordance with the resource preservation goals of the Indian Canyons Master Plan and the habitat preservation requirements of the Tribal Habitat Conservation Plan.
3. USE: The Tribe agrees that the Exchange Lands remain accessible and subject to the reasonable use and enjoyment by the general public. The Tribe may adopt rules and regulations for the use and enjoyment of the Exchange Lands. Any such rules and regulations adopted shall conform to and be consistent with the

policies and guidelines set forth in the Indian Canyons Master Plan and the Tribal Habitat Conservation Plan, and with similar measures now in effect regarding existing Tribal Reserves. Exchange Lands shall not be used for any other purpose than those herein described, or for any unlawful purpose or use.

4. TERM: The term of this Agreement shall commence upon the close of escrow for the transfer of the Exchange Lands from the BLM to the Tribe and shall continue until terminated by one year's written notice by either party and the mutual consent of the Tribe and the BLM.
5. CONSTRUCTION: The Tribe may undertake new development, construction, or improvements to enhance public recreational facilities upon the Exchange Lands. Such development, construction, or improvements within the Exchange Lands shall be in accordance with the Indian Canyons Master Plan and the Tribal Habitat Conservation Plan. Prior to any construction, the Tribe shall comply with the requirements of the Tribal Environmental Policy Act.
6. OWNERSHIP OF IMPROVEMENTS: All improvements constructed in and upon the Exchange Lands shall become part of the realty and title to said improvements shall vest in the Tribe.
7. MAINTENANCE: During the term of this Agreement, the Tribe shall provide for upkeep and maintenance of the Exchange Lands and all improvements of any kind which may be erected, installed, or placed thereon in a safe, good condition, and in substantial repair.
8. CONCESSIONS: The Tribe may grant concessions in or upon the Exchange Lands which are consistent with the provisions of the Indian Canyons Master Plan and the Tribal Habitat Conservation Plan. No concession shall be granted by Tribe within the Exchange Lands which will exploit these lands or resources for commercial purposes.
9. ASSIGNING AND SUBLETTING: This Agreement shall not, nor shall any interest herein or hereunder be assigned, delegated, mortgaged, hypothecated or transferred either by the Tribe by operation of law, nor shall the Tribe let or sublet, or grant any licenses or permits with respect to the use and occupancy of the Exchange Lands or any portion thereof, without coordinating and consulting with the BLM as set forth in the Cooperative Agreement of October 13, 1999. This paragraph does not apply to the provisions of Paragraph 7 (MAINTENANCE) and Paragraph 8 (CONCESSIONS) above.
10. BREACH OF AGREEMENT: In the event of any breach of this Agreement by the BLM, the Tribe shall notify the BLM in writing of such breach, and the BLM shall have thirty (30) days in which to initiate action to cure said breach.

In the event of any breach of this Agreement by the Tribe, the BLM shall notify the Tribe in writing of said breach, and the Tribe shall have thirty (30) days in which to initiate action to cure said breach.

11. NOTICES: All written notices pursuant to this Agreement shall be addressed as set forth below or as either party may hereafter designate by written notice and shall be personally delivered or sent through the United States mail:

Palm Springs - South Coast Field Office (LLCAD06000)
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, CA 92262

Tribal Council
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, CA 92264

12. LIMITATION: This Agreement is subject to all valid and existing contracts, leases, licenses, encumbrances, and claims of title which may affect the Exchange Lands.
13. PARAGRAPH TITLES: The paragraph titles in this Agreement are inserted only as a matter of convenience and for reference, and in no way define, limit, or describe the scope or intent of this Agreement or in any way affect this Agreement.
14. AGREEMENT IN COUNTERPARTS: This Agreement is executed in counterparts, each of which shall be deemed an original.
15. ACCESS TO EXCHANGE LANDS: The BLM or BLM's designated representative(s) shall have access to the Exchange Lands for the purpose of reviewing and evaluating the Tribe's compliance with the terms and conditions of this Agreement. In the event problems or issues regarding performance under this Agreement are identified, the BLM and the Tribe shall arrange to meet and confer regarding resolution of the problem(s) or issue(s) within two weeks from such determination.
16. PARTIAL INVALIDITY: If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.
17. WAIVER OF RIGHTS: The failure of the BLM or the Tribe to insist upon strict performance of any of the terms, conditions, and covenants in this Agreement shall not be deemed a waiver of any right or remedy that the BLM or the Tribe may have, and shall not be deemed a waiver of any right or remedy for a subsequent breach or default of the terms, conditions, and covenants herein contained. This Agreement will be governed by and construed according to applicable federal law. By executing this Agreement, no party waives or limits any right or immunity that it may have under such law.

18. BLM's REPRESENTATIVE: The Field Manager of the Palm Springs - South Coast Field Office is the BLM's representative for administration of this Agreement. The Field Manager is the Tribe's initial contact with the BLM for information, Agreement coordination, and any problems which might arise. The Chairman of the Tribal Council is the BLM's initial contact for such purposes.
19. AGREEMENT IN WRITING: This Agreement contains and embraces the entire Agreement between the parties hereto and neither it nor any part of it may be changed, altered, modified, limited, or extended orally, or by any Agreement between the parties unless such Agreement be expressed in writing, signed, and acknowledged by the BLM and the Tribe, or their successors in interest.
20. APPROVAL OF AGREEMENT: It is understood and agreed that this Agreement, amendments, modifications, or termination thereof will be effective only upon approval by the United States Department of the Interior, Bureau of Land Management and the Agua Caliente Band of Cahuilla Indians.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

AGUA CALIENTE BAND OF CAHUILLA INDIANS

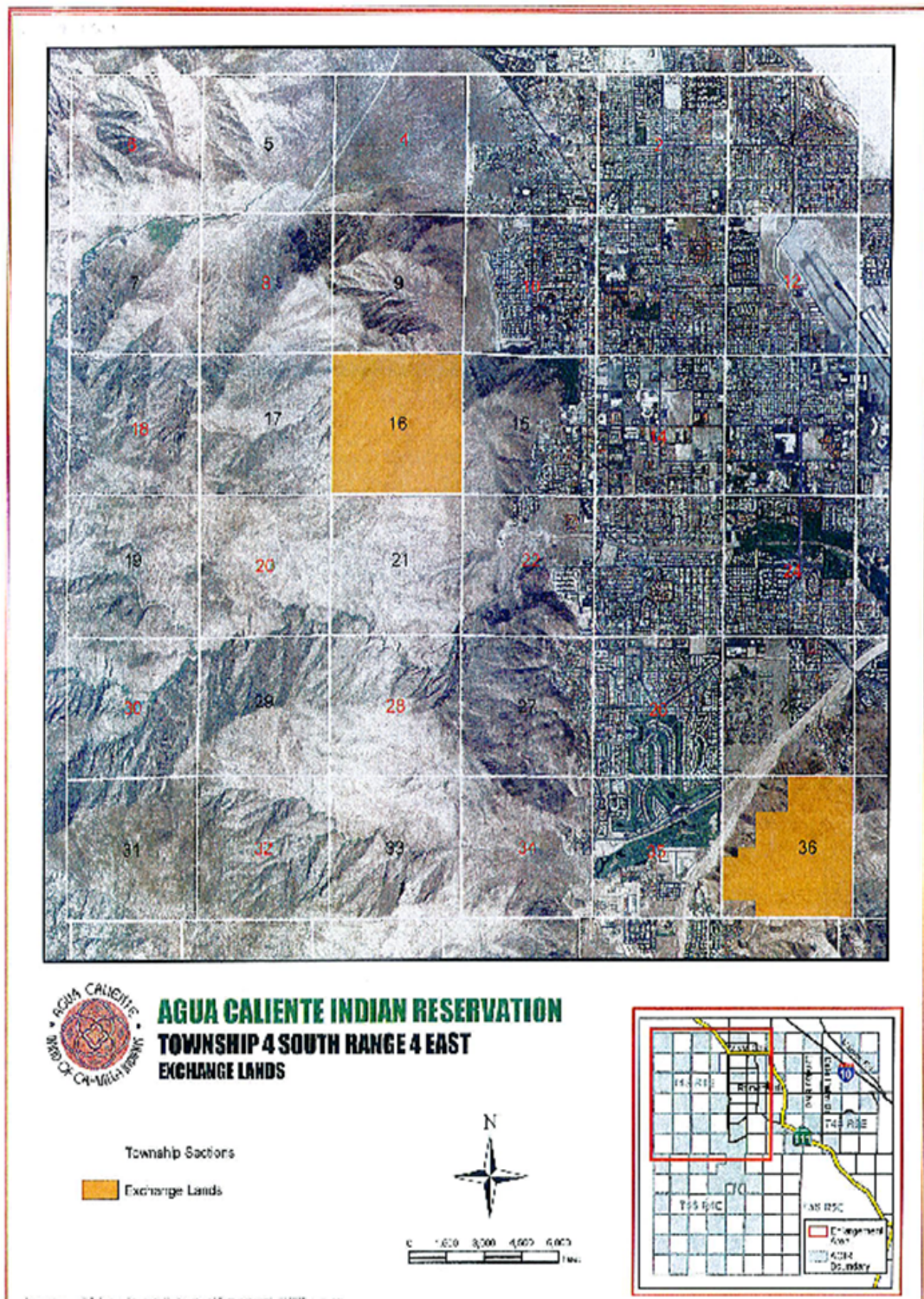
By: /s/ Richard M. Milanovich
Richard M. Milanovich
Chairman, Tribal Council

Date: November 3, 2009

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

By: /s/ John R. Kalish
John R. Kalish
Field Manager
Palm Springs - South Coast Field Office

Date: November 10, 2009



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